WILLIE C. SIMPSON,

    Petitioner,

  -vs-   **Case No. 15-C-1016**

WILLIAM POLLARD,

    Respondent.

DECISION AND ORDER

This action pursuant to 28 U.S.C. § 2254 is before the Court on Petitioner Willie C. Simpson's request to proceed *in forma pauperis* (ECF No. 12) and for review pursuant to Rule Four of the Rules Governing Section 2254 Cases in the District Courts. Simpson alleges that the October 24, 2014, Wisconsin Department of Corrections administrative calculation changed his prison sentence from parole release governed by 1983 Wis. Act 528 to Truth-in-Sentencing extended supervision under 1997 Wis. Act 283, thereby prolonging his term of confinement in *State v. Simpson,* 11CF220 (Grant Cnty. Wis.) in violation of Article I, § 9, cl. 3 and § 10 of the United States Constitution.

Simpson's petition to proceed *in forma pauperis* and certified trust account statement establish that he is unable to pay the $5 fee for filing his

petition. The next questions are similar; whether Simpson states an arguable claim for relief and/or his petition is plainly without merit.

At this stage of the proceedings, it does not plainly appear that Simpson is not entitled to relief. *See* R. 4 Governing § 2254 Cases Dist. Cts. Therefore, by December 29, 2015, Respondent William Pollard ("Pollard") will be required to file an answer to the instant petition, which must contain the materials required by Rule 5 of the Rules Governing § 2254 Cases in the District Courts.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Simpson's motion to proceed *in forma pauperis* (ECF No. 12) is **GRANTED**; and,

No later than December 29, 2015, Pollard **MUST FILE** an answer to the instant petition, which must contain the materials required by Rule 5 of the Rules Governing § 2254 Cases in the District Courts.

Dated at Milwaukee, Wisconsin, this 28th day of October, 2015.

BY THE COURT:

HON. RUDOLPH T. RANDA
U.S. District Judge

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